Message

From: Glynn, Tara [Glynn.Tara@epa.gov]
Sent: 7/1/2019 3:27:35 PM
CC: Glynn, Tara [Glynn.Tara@epa.gov]
Subject: FW: OCSPP Lead Region Reminders/Updates (June 17 - July 1, 2019)
Attachments: FW: OCSPP RDD IN PERSON MEETING AUGUST 14-15, 2019 - hotel/TA information; FORMAL AGENDA FOR AUGUST NATIONAL MEETING DRAFT2.docx; FW: Due by NOON, Tuesday, July 2 = Staff-level Comments on draft Lead measures for Bowling Chart and APG

Good morning.

Please find attached, the latest Draft Agenda for the OCSPP RDD meeting (August 14-15, 2019), as well as hotel/TA information. Please note that the last day to make hotel reservations is July 16, 2019.

Please provide a list of attendees here.

Please see attached email that requests to review draft lead measures. **Please provide Jennifer Vernon comments by 12 pm tomorrow, Tuesday July 2.**

I also attached a list of Pesticide and Lead Program contacts in the Regions.

I have received all of the updated Regional LCRD organization charts. Please find them here.

I also created an OCSPP Programs Regional contact list (RDD's, DDD's & BC). You can find it here.

Thanks,

Tara Glynn
US EPA Region 2
Chemicals Mgmt Section
(732) 906-6183

Upcoming Calls/Meetings:

July 3 – Regional Lead Coordinators Call 1 PM (ET)
July 10 – Regional Lead Coordinators Monthly Call 1 PM (ET)
July 11 – OCSPP RDD monthly VTC 2 PM (ET)
July 16- FIFRA Practitioners Monthly call 1 PM (ET)
July 16 – Monthly Tribal Pesticides Call 2 PM (ET)
July 17 – OPP/OECA Call 12 PM (ET)
July 23 – TRI Enforcement Call 2 PM (ET)

In the News:

Online Hands-On Mapping System Helps Keep Pollinators Safe

Researchers have been working for well over a decade to enhance the health of pollinators and now beekeepers, citizen scientists, and anyone interested in pollinator health can join in using a new online tool, Beescape.

A multi-institutional research team led by Penn State University developed Beescape to help beekeepers understand what resources and risks bees may encounter when they leave the hive. The team includes Dickinson College, Purdue University, University of Illinois at Urbana-Champaign, University of Wisconsin, University of Minnesota, University of California – Davis, and USDA's Agricultural Research Service. USDA's National Institute of Food and Agriculture provided funding for this project.

"Bees forage over long distances to gather nectar and pollen, which they use to feed their offspring and, for social bees, to support their colony," said Christina Grozinger, director for the Penn State's Center for Pollinator Research. "It is nearly impossible for a beekeeper, or someone who is trying to support wild bees in their gardens or farms, to know what bees will encounter during these journeys."

With its online format, Beescape allows a user to select a specific location and get information about the surrounding area, such as the amount of floral resources, the amount and type of applied insecticide, and the availability of nesting habitat for wild bees.

"Knowledge is everything! If you realize you are in an area that has high predicted levels of pesticide use, you can learn more about these risks and when bees might be impacted by talking with your local growers," she said.

Beekeepers can help the Beescape Team by providing data on the health of their bees through an online questionnaire. The team will use this information to see how different landscape scores relate to bee health, and then develop models for Beescape that are more precise.

Although Beescape currently focuses on bees, its landscape quality indices broadly relate to the health of insect and animal populations, since flowering plants and pollinators form a core of Earth's ecosystems. "We hope this information will allow people to better explore land use patterns in their own communities and take steps to improve them," Grozinger said.

Bees can travel up to 5 km from their colony to forage. Do you know the landscape that will promote your bees' health? Beescape may help.

NIFA invests in and advances agricultural research, education, and extension and seeks to make transformative discoveries that solve societal challenges.

ASPCRO addresses illegal pesticides, fumigation

The Public Health Committee (PHC) of the Association of Structural Pest Control Regulatory Officials (ASPCRO) currently is working to address the problem of online sales of illegal pesticides. As *Pest Management Professional* reported in its March 2018 cover story ("Illegal pesticides crackdown"), there is both a global market for pesticide products and an ease with which these products can be purchased via the internet. In response, the PHC is developing information critical to educate both business owners and consumers.

For example, frequently asked questions reported to regulators have centered on how to identify legal pesticides from counterfeit products. It is important for business owners and consumers to ensure the product is legal for use in the United States. Knowing how to identify the U.S. Environmental Protection Agency (EPA) registration number and

directions for use, and to identify clues that indicate a product may be unregistered or counterfeit aid in protecting users from illicit products. Knowledge of how to spot illegal products helps safeguard the industry and the public at large.

In an effort to support the educational materials being developed, ASPCRO is forming a task force with the primary purpose of sharing information among pesticide regulatory officials and product registrants when counterfeit or illegal products are found in the marketplace. The idea behind this approach is to get a better sense of the scope of the illegal and illicit use of pesticides across the country.

Fumigation issues

ASPCRO's Building Code Committee (BCC) met last month to discuss the results of a recent survey of State Lead Regulatory Agencies (SLAs) regarding polyurethane spray foam insulation (PSFI). The issue has been raised in a few states that rely on structural fumigation for termites in structures that use PSFI. It's a problem primarily for closed-cell foam, thanks to its use as insulation during construction. The foam may be trapping sulfuryl fluoride (SF) gas, thereby extending the aeration procedure of a fumigation. The noted structural areas of concern include attics, wall voids and crawlspaces of fumigated structures.

Twenty-two states responded to the survey, but only five states reported complaints related to the use of PSFI. Of those five states logging complaints, only one enforcement action was taken. That enforcement action involved an inaccessible area on a wood-destroying organism (WDO) inspection report.

Currently, four states reference building codes in pesticide regulations, and three states have either building codes or pesticide regulations that require inspection gaps. The results of the survey will be published soon on ASPCRO.org. In addition, ASPCRO currently is drafting a white paper outlining the challenges presented by PSFI applications to assist states with this issue.

The BCC also discussed a fumigation-related issue that concerns protected wildlife in Florida: A detached garage was fumigated where a protected species of bats was known to be living. A concerned neighbor contacted the Florida Fish and Wildlife Conservation Commission (FWC) about the incident. The Florida Department of Agriculture and Consumer Services (FDACS) also was contacted to investigate the fumigation. Although FDACS did not find fault with the fumigation, FWC charged the fumigator with a violation of protected wildlife.

It should be noted the fumigant product label only addressed domestic animals, not protected species or wildlife. As a result, fumigators should be aware and take care to protect state-sanctioned wildlife when fumigating structures.

Last but not least, ASPCRO will be joining the International Code Council soon to stay apprised of industry news, building codes and building practices that could affect structural pest control.

Annual conference set for August

ASPCRO's 63rd annual conference will take place in Franklin, Tenn., Aug. 28-30. The meeting will begin with a welcome from the Tennessee Department of Agriculture. It also will feature a 90-minute session on "Managing Different Generations" from Leonard Wood, CPM, founder of L. Wood Consulting in Tallahassee, Fla., and the lead business process consultant for the Florida Department of Agriculture and Consumer Services.

Meeting highlights include food safety and pesticides; two tracks on rodenticides and fumigants; and ASPCRO's popular "Hot Topic" session, providing the association with 10-minute news flashes of current and upcoming topics that affect the industry.

EPA Fast Tracking Chemical Reviews Amid Trump Deregulation Push, Environmental Group Reports

James Osborne June 19, 2019 Updated: June 19, 2019 7:07 p.m.

WASHINGTON - New chemicals coming into the marketplace are getting fast tracked for approval by the EPA, despite bipartisan reforms in 2016 designed to increase scrutiny over chemicals and reduce public health risks, according to a new report by the Environmental Defense Fund.

Researchers at the advocacy group found over the past year the Environmental Protection Agency was approving 80 percent of the new chemicals that came before it, a rate in line with EPA approval rates before Congress passed the reforms in 2016.

"Political appointees at EPA have taken every opportunity to undermine the 2016 [reforms] and elevate the industry's interests over public health," said Richard Denison, lead senior scientist at EDF. "The consequences of these mistakes will be felt by generations to come."

The controversy comes amid a wider deregulatory push by the Trump administration, which has criticized EPA for holding up industrial expansion that could add jobs and boost the U.S. economy.

The shift described by Environmental Defense Fund comes as a boon to many Houston-area chemical manufacturers, which have already seen restrictions on chemicals including trichloroethylene, an industrial cleaning agent, and methylene chloride, a paint stripper, rolled back under the Trump administration.

The American Chemistry Council, a trade group representing chemical companies, described the Environmental Defense Fund's report as "false" and an attempt to "undermine the implementation of [the reforms] and disparage the dedicated staff at EPA and the chemical industry."

"The 2016 amendments to the Toxic Substances Control Act (TSCA) are being effectively and efficiently implemented," Jon Corley, a spokesman for the trade group, said.

An EPA spokesman said the agency was "ensuring the safety of chemicals in the marketplace, protecting human health and advancing the agency's core mission."

But concern is mounting in Congress that the Trump administration is going too far to appease chemical manufacturers.

"At almost every turn, the Trump administration has failed to live up to the letter and spirit of the historic bipartisan reform," said Senator Tom Udall, D-N.M. "EPA leaders - starting with [Administrator] Andrew Wheeler - must change course, commit themselves to protecting the public, and carry out the [reforms] as Congress wrote it."

In one instance, staff at EPA recommended restricted use for a chemical used in air and laundry fresheners called jeffamine diacrylamide because it's in a class of chemicals commonly associated with elevated risk of cancer. But that recommendation was overruled and the chemical approved without the recommended restrictions, Denison said.

"We don't know who made decision," he said. "We're lucky we know the original decision because EPA posted it on its website, but in response to this and other incidents, they stopped doing that,"

So far the company that makes the chemical, International Flavors and Fragrances of New York, has not released products containing jeffamine diacrylamide onto the market, Denison said.

Center for Food Safety wins in case to force EPA to ban 12 neonicotinoids

By Dan Flynn on May 22, 2019

Final notices of cancellation for the registration of 12 neonicotinoid pesticides have been published in the *Federal Register* by the U.S. Environmental Protection Agency.

The decision to pull the pesticides from the market was part of a legal settlement reached in December 2018 involving the Center for Food Safety and the EPA. The Center for Food Safety (CFS) is a 501c3, non-profit organization, based in Washington D.C. with offices also in San Francisco.

The litigation stems from a 2013 lawsuit brought by CFS on behalf of a coalition of conservationists and beekeepers. The civil complaint accused EPA of failing to protect pollinators, beekeepers, and endangered species from these dangerous pesticides.

Another part of the settlement will play out over time. For the first time, EPA is required to analyze and address the impact of the entire neonicotinoid pesticide class on endangered species under the Endangered Species Act.

CFS Legal Director George Kimbrell, who was lead counsel in the case, said the "cancellation of these neonicotinoid pesticides is a hard-won battle and landmark step in the right direction."

"The war on toxins continues, " he said in a news release. "We will continue to fight vigilantly to protect our planet, bees, and the environment from these and similar dangerous toxins."

A relatively new class of pesticides known as neonicotinoid pesticides or "neonics" are the products being canceled under the settlement. Chemically-related to nicotine, these "neonics" interfere with the nervous system of insects, causing tremors, paralysis, and eventual death. They are effective even when administered at shallow doses.

Unlike traditional pesticides, "neonics" are systemic — meaning they are distributed throughout the plant and make the entire plant toxic to insects. Bees and other pollinators are exposed to these toxic chemicals through pollen, nectar, dust, dew droplets on plant leaves, and in the soil where many native bee species nest. These neonics came into heavy use in the mid-2000s at the same time beekeepers were observing widespread cases of colony losses.

"Neonics represent an enormous threat to our bees and pollinators," said Neil Carmen, pollinator liaison for The Sierra Club, a plaintiff in the case. "Taking these products off the market is absolutely necessary."

Neonics are 10,000 times more toxic to bees than any other pesticide. They are typically applied as a seed coating, a process by which agrichemicals are mixed together with large batches of seeds in order to coat them before the seeds are planted.

After neonic-coated seeds are planted, the chemicals spread far beyond the crop they are intended for and can contaminate nearby wildflowers, soil, and water — all of which pose significant threats to bees foraging and nesting in the area. It has been known for several years that these chemicals can kill or weaken more than just the targeted pests. Non-target harm can occur to beneficial invertebrates, as well as to birds and other wildlife, through both direct and indirect effects.

The CFS case was originally filed in 2013. In May 2017, the court ruled in favor of the organization and the other plaintiffs. Represented by CFS legal counsel, the plaintiffs included CFS, Sierra Club, Beyond Pesticides, Center for Environmental Health, Pesticide Action Network, and four commercial beekeepers, Steve Ellis, Jim Doan, Tom Theobald and Bill Rhodes.

According to CFS, the European Union banned three neonic pesticides from being used on crop fields after the European Food Safety Authority (EFSA) expressed concern about the harms neonics pose to pollinators. France has also banned the use of two additional neonic pesticides in crop fields and in greenhouses.

In 2017, CFS filed another legal action against EPA demanding that neonic-coated seeds no longer escape regulation. In 2018, CFS filed a notice of intent to sue the Trump Administration for reversing a moratorium on neonic pesticides and genetically-engineered crops in wildlife refuges.

CFS recently endorsed the Protect our Refuges Act of 2019, which would reinstate the moratorium on wildlife refuges, and supports the Save America's Pollinator's Act, which would require EPA to take immediate action to protect pollinators from neonics. CFS is also petitioning California to protect four species of bumblebees by adding them to the state's Endangered Species List.

CFS just launched a free Wild Bee ID app that empowers gardeners to take an active role in bee conservation by identifying the bees in their backyards that are native to North America and the plants those native bees have evolved to pollinate.

Colorado Couple Sues Dominican Resort for Pesticide Poisoning

(*Beyond Pesticides*, June 26, 2019) "We were drooling excessively. My eyes would not stop watering," Kaylynn Knull said to Denver ABC7, after her and her boyfriend filed suit against a Dominican Republic resort they claimed poisoned them with toxic pesticides. This year, the same resort, the Grand Bajia Principe, has had three Americans die on its premises. This is not the first time an island resort has been implicated in improper, potentially illegal pesticide use. In 2015, a family of four was poisoned by Terminix after the highly toxic fumigant methyl bromide was applied in a nearby room seeped in while they slept.

Ms. Kull told ABC7 that the couple's symptoms began after rejecting a time share offer at the resort. "As soon as we came back to the room, we noticed it smelled like somebody had dumped paint everywhere. I was having

the worst intestinal cramping I have ever experienced. It felt like a chainsaw going through my gut." The couple booked the first flight off the island, and went to a doctor, who diagnosed them with "Likely Organophosphate poisoning."

Organophosphates are acutely toxic insecticides that bind to and block the transmission of the acetylcholinesterase, an enzyme important to the proper functioning of our nerves. Blocking this enzyme causes a build-up of acetylcholine, which results in a range of symptoms, including diarrhea, dizziness, urination, headache, excessive salivation, and muscle twitches, as well as potentially more-serious ones, including respiratory muscle paralysis, seizures, respiratory failure, coma, and death. Late last year, a group of leading scientists called for a complete worldwide ban on organophosphates.

Recent reports of Americans dying under questionable circumstances in the same resort led Kaylynn to launch the lawsuit. "Because I honestly believe the truth needs to be told. This sounds way too similar at the same resort. I don't know, I can't keep my mouth shut," she told ABC7.

The resort has released statements indicating that no recent deaths are connected. There are outstanding toxicology report being investigated by the CDC.

USDA Clarifies Industrial Hemp Production for Indian Tribes

This notice clarifies avenues for Tribal participation under authorities in the 2014 Farm Bill to grow industrial hemp for research purposes during the 2019 growing season. Under the 2014 Farm Bill, an Indian tribe can enter into a partnership or contract with an institution of higher education or a State department of agriculture both within or in a different State than the one in which the Indian tribe is located to produce industrial hemp on the tribe's land. For an Indian tribe to be eligible to do so, the State in which the Indian tribe is located and the State in which the institution of higher education or State department of agriculture is located both must allow the production of industrial hemp.

The 2014 Farm Bill authorizes State departments of agriculture and institutions of higher education to grow and cultivate hemp for the limited purpose of conducting research under pilot programs. However, the definition of "State" that applies to section 7606 does not

include Indian tribes. Indian tribes independently have not been able to initiate their own hemp programs under the 2014 Farm Bill and instead have had to obtain a license or authorization under a state program.

This ability under the 2014 Farm Bill to obtain a license or authorization from a State department of agriculture or institution of higher education located in a State other than the State of one's residence extends to persons and entities that are not affiliated with an Indian tribe. As is the case with Indian tribes, a State department of agriculture located in a State that allows for hemp production may license or authorize an individual or entity that is not located in that State to produce hemp for research purposes, provided that the State where the individual or entity is located also allows hemp production. Likewise, an individual or entity may partner or contract with an institution of higher education in another State under the same conditions.

The law remains unchanged in that Indian tribes, individuals, and entities located in States that do not permit hemp production are ineligible to participate in the growing or cultivation of hemp under the 2014 Farm Bill program.

USDA is an equal opportunity provider, employer, and lender

Majority of food within limits for pesticide residues

By News Desk on June 28, 2019

Almost 96 percent of food samples were free of pesticide residues or contained traces within legal levels, according to an annual European report.

The European Food Safety Authority (EFSA) looked at the results of nearly 90,000 samples collected from 28 EU member states plus Iceland and Norway in 2017.

Overall, 95.9 percent of the 88,247 samples fell within legal limits. In 54.1 percent of samples, no quantifiable residues were reported so they had residue levels below the limit of quantification (LOQ), while 41.8 percent contained quantified residues at or below maximum residue levels (MRLs).

A total of 4.1 percent were above the MRL compared to 3.8 percent in 2016. This is partly because of an increase in enforcement samples taken, which was more than twice that of 2016 (10,677 in 2017 versus 4,173 in 2016).

Samples from third countries had a higher MRL exceedance rate (7.6 percent) and non-compliance (5.5 percent) compared to food produced in the EU, with 2.6 percent above the MRL and non-compliance rate of 1.3 percent.

MRL exceedance for anthraquinone in tea was identified again, there was an increase in non-compliant rice and pear tests and a lot of samples still contained residues of chlorpyrifos exceeding new lower legal limits.

A dietary risk assessment indicated the probability of European citizens being exposed to pesticide residue levels that could lead to negative health outcomes was low, according to the report.

EU-harmonized MRLs are set for more than 500 pesticides covering 370 food products/groups. A default of 0.01 mg/kg is applicable for pesticides not mentioned in MRL legislation.

The highest MRL exceedance rates among reporting countries were for items from Cyprus, Greece and France (more than 4 percent of samples exceeded the MRL). High MRL exceedance rates for third countries, so more than 10 percent of samples, were found for Malaysia, Pakistan, Sri Lanka, Vietnam, Madagascar, Dominican Republic, Suriname, India, China, Thailand, Ethiopia, Jordan, Colombia and Kenya.

Pesticides mostly quantified were boscalid, imazalil, fludioxonil, acetamiprid, azoxystrobin and chlorpyrifos. In 97.5 percent of 8,672 samples glyphosate was not quantified. In 191 samples it was quantified at levels above the LOQ but below the MRL and in 21 samples residue levels topped the MRL.

National and EU combined results

National plans are mostly risk-based while the EU-coordinated control programme (EUCP) has a random sampling procedure.

In 2017, 12 food products were considered in EUCP: oranges, pears, kiwi fruits, cauliflowers, onions, carrots, potatoes, beans (dried), rye grain, husked rice grain, poultry fat and sheep fat. Kiwi fruits, onions and dried beans were included for the first time. Samples were analyzed for 171 pesticides.

Of the 11,158 samples analyzed, 7,236, or 64.9 percent, were without quantifiable levels of residues, 3,743 contained one or more pesticide residues in concentrations below or equal to the MRLs and 179 or contained residue concentrations exceeding the MRLs.

Above the MRL

High MRL exceedance rates were identified for pesticide residues in rice and pears followed by dried beans, carrots, rye, kiwi fruits, potatoes, oranges, cauliflower and onions.

Of the 28 MRL exceedances for pears, four originated from third countries, the rest were of EU origin. Chlormequat, ethephon, chlorpyrifos and propiconazole were involved. For rice, levels above the MRL were recorded in 48 samples, 28 of which came from South-

East Asia, mostly India (21). Twenty-three MRL exceedances in rice were reported for carbendazim.

Among items of plant origin, dieldrin, parathion-methyl, and procymidone were found in carrots produced in the EU, dicloran in onions, fenthion, methidathion and profenofos in oranges, permethrin in pears, biphenyl and carbendazim in dried beans, carbendazim, permethrin and dichlorvos in rice and permethrin in rye. All these are non-EU-approved pesticides.

In samples from third countries, methidathion in kiwi fruits, chlorfenapyr, methidathion and profenofos in oranges, carbaryl and diazinon in dried beans, acephate, carbendazim, hexaconazole, methamidophos and triazophos, in rice exceeded legal limits.

Among unprocessed products with at least 50 samples, the highest MRL exceedance rates (greater than 10 percent) were found for watercress, coriander leaves, basil and edible flowers, grape leaves and similar species, granate apples/pomegranates, chilli peppers, pitahaya (dragon fruit), passion fruits/maracujas, basil (holy, sweet), mint, teas, parsley, celery leaves, papayas, okra, chards/beet leaves, chives, Chinese cabbages/pe-tsai, cassava roots/manioc and dried herbal infusions.

Frequent MRL exceedances were reported for pesticide residues in processed grape leaves (and similar species), fruits and tree nuts, tomatoes, wild fungi, sweet peppers, rice, milk (cattle), pumpkin seeds and table grapes.

Overall, 5,010 of 5,806 organic samples did not contain quantifiable residues; 711 contained quantified residues below or at the MRL level and 85 were reported with residue levels above their corresponding MRLs, of which 38 were non-compliant in 2017. The most frequently quantified residue was copper. MRL exceedances were most often for chlorate.

EPA issued a notice in the Federal Register of May 6, 2019, concerning the availability of EPA's Proposed Interim Registration Review Decision for glyphosate. This FRN document extends the comment period for 60 days, from July 5, 2019 to September 3, 2019. This action to extend the public comment period is being taken after receiving public comments requesting additional time to review the Glyphosate Proposed Interim Registration Review Decision and supporting materials.

View notice: 2019-13524

EPA approves Oklahoma's five-year report for regional haze

Media contacts: Joe Hubbard or Jennah Durant, R6press@epa.gov or 214 665-2200

DALLAS (June 28, 2019) – The U.S. Environmental Protection Agency (EPA) recently approved Oklahoma's Regional Haze five-year report that found that the state is making reasonable progress towards preventing future impairment of visibility caused by human-made pollution in the Wichita Mountain Wilderness Area.

Under the Clean Air Act, states are required to develop State Implementation Plans (SIPs) that ensure reasonable progress towards the national goal of addressing visibility impairment in designated class I areas, like national parks and wilderness areas. Five years after submittal of the initial SIP, states are required to submit a report in the form of a SIP revision that evaluates progress towards visibility in the class I area.

During the previous administration, more than 20 Federal Implementations plans (FIPs) were developed to address Regional Haze programs. Overall, EPA has made significant progress to address backlogged SIPs by approving a SIP approximately every month since March 1, 2017. EPA has approved over 200 SIPs.

EPA believes that states are best suited to run their clean air programs. EPA will continue to work with its state partners to ensure that the Clean Air Act standards are met in Oklahoma and across the country.

In March 2019, EPA proposed to approve the state's regional haze five-year progress report. EPA did not receive any relevant adverse comments on the proposed action and moved forward with approval.

Farmworkers in New York State will get basic labor rights they've been denied since the 1930s, under a bill the Legislature passed earlier this month on June 19. The Farmworkers Fair Labor Practices Act, passed 94-54 in the Assembly and 40-22 in the state Senate, will give the state's estimated 80,000 to 100,000 farm laborers the right to organize unions and bargain collectively. It will require employers to pay them time-and-a-half for overtime if they work more than 60 hours in a week, give them one day a week off, and let them refuse to work overtime. It will also make farmworkers eligible for workers' compensation and unemployment benefits. More from LaborPress - June 27, 2019